



OFFICE OF THE CITY CLERK

REPORT

To The Honorable Mayor and City Council

DATE: January 28, 1998

REPORT NO.: 98-03

SUBJECT: SPECIAL PROVISIONS FOR BALLOT PROPOSITIONS FOR JUNE 2, 1998

THIS IS AN INFORMATION REPORT. ACTION MAY BE REQUIRED DEPENDENT UPON THE COUNCIL'S WISHES.

As you consider the placement of propositions on the ballot for this June's primary election, you may also wish to consider the following points:

- 1) you may direct the City Attorney to prepare an impartial analysis of any proposition for inclusion in the sample ballot pamphlet; and
- 2) you may assign authorship of the ballot argument to one or more Councilmembers.

Each of these points is discussed below.

PROVISION FOR IMPARTIAL ANALYSIS

California Elections Code section 9280 allows in part that upon Council direction, the City Attorney shall prepare an impartial analysis of a ballot proposition showing the effect of the proposition on the existing law and the operation of the proposition. (Should the proposition affect the organization or salaries of the City Attorney's office, Council would direct the Clerk to prepare the analysis.) The analysis, limited to 500 words in length, would be printed in the sample ballot pamphlet preceding the arguments for and against the proposition.

For the June election, impartial analyses must be delivered to the Registrar of Voters no later than March 16, 1998, for inclusion in the sample ballot pamphlet. Should the Council wish the Attorney to prepare an impartial analysis, the Clerk recommends that such direction be given at **the same time as the Council acts to place the proposition on the June ballot.**

Provisions for the inclusion of impartial analyses in the sample ballot pamphlet are likely to increase the cost of the election. The Registrar of Voters has estimated the cost of a single page in the sample ballot pamphlet to be \$15,000-\$20,000. An impartial analysis is expected to add one page to the text of the measure; consequently, the printing cost for the analysis would be \$15,000-\$20,000.

PROVISION FOR AUTHORSHIP OF THE BALLOT ARGUMENT

California Elections Code sections 9281-9287 provide guidelines for ballot arguments concerning City propositions. For propositions approved for submittal to the qualified voters of the City at the June election, the City Clerk has fixed 5:00 p.m. on Thursday, March 19, 1998, as the date after which no arguments for or against City propositions may be submitted.

Arguments are limited to 300 words. If more than one argument is submitted for or against any proposition, the City Clerk selects the argument to be printed in the sample ballot pamphlet, by priority of authorship as follows:

- a) the City Council, or member of the Council authorized by the Council;
- b) the individual voter or bona fide association of citizens who are the bona fide sponsors or proponents of the proposition;
- c) bona fide associations of citizens;
- d) individual voters who are eligible to vote on the proposition.

Councilmembers must be considered as individual voters *unless designated by Council action to speak for the legislative body*. Should the Council wish to authorize one or more Councilmembers to draft and sign an argument, the Clerk recommends that such authorization be given **at the same time as the Council acts to place the proposition on the June ballot**.

Arguments must be accompanied by the name or names of the person or persons submitting them, or, if submitted on behalf of an organization, the name of the organization and the name of at least one of its principal officers.

No more than five (5) signatures shall appear with any argument. In case any argument is signed by more than five (5) persons, the signatures of the first five (5) will be printed in the sample ballot pamphlet.

CONCLUSION

As the Council considers the placement of ballot propositions on the ballot of June 2, 1998, it may also wish to consider (1) directing the City Attorney to prepare an impartial analysis of one or more propositions; and (2) designating one or more Councilmembers to draft and sign ballot arguments.

Providing for an impartial analysis and designating argument authors should be accomplished at the same time as the Council acts to place a proposition on the June ballot.

Sincerely,



Charles G. Abdelnour
City Clerk

cc: City Attorney
City Manager